

**SUPREME COURT MINUTES
THURSDAY, APRIL 3, 2003
SAN FRANCISCO, CALIFORNIA**

S018033

PEOPLE v. SNOW (PRENTICE)

Opinion filed: Judgment affirmed in full

Opinion issued by THE COURT.
Concurring and Dissenting Opinion by
Werdegar, J.,
--- Joined by George, C.J., and Moreno, J.,

S103581B150882 Second Appellate District,
Division Seven

MARTINEZ ON H.C.

Opinion filed: Judgment reversed

and remanded with instructions.

Opinion By: Brown, J.
--- joined by George, C. J., Baxter, Chin,
Moreno, JJ.
Dissenting Opinion By: Kennard, J.
--- joined by Werdegar, J.

S023421

PEOPLE v. BUNYARD (JERRY T.)

Extension of time granted

to May 5, 2003 to file appellant's opening
brief. The court anticipates that after that date,
only one further extension totaling 60
additional days will be granted. Counsel is
ordered to inform his or her assisting attorney
or entity, if any, and any assisting attorney or
entity of any separate counsel of record, of
this schedule, and to take all steps necessary to
meet it.

S093765

PEOPLE v. GAY (KENNETH E.)

Extension of time granted

to April 11, 2003 to file appellant's opening
brief. Extension is granted based upon
Deputy State Public Defender Therene
Powell's representation that she anticipates
filing that brief by 4/11/2003. After that date,
no further extension will be granted.

S103600LOAIZA (JOAQUIN) ON H.C.
Extension of time granted

Petitioner's time to serve and file the reply to the Attorney General's informal response is extended to and including April 18, 2003. No further extensions are contemplated.

S110988MARKS (DELANY G.) ON H.C.
Extension of time granted

to April 28, 2003 to file the informal response to the petition for writ of habeas corpus. After that date, no further extension is contemplated. Extension is granted based upon Deputy Attorney General Sharon Wooden's representation that she anticipates filing that document by 4/26/2003.

S111253B152695 Second Appellate District,
Division ThreeMACDONALD v. GOURLEY
Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the Answer Brief on the Merits is extended to and including April 4, 2003.

S012852PEOPLE v. MAURY (ROBERT E.)
Order filed

Appellant's "Motion to Augment Record," filed on November 12, 1998, is granted. The clerk is directed to file, as part of the record on appeal, "Transcript on Appeal Curiale I -- October 23, 1987," and "Transcript of Appeal Curiale II -- October 30, 1987."

S091297A086982 First Appellate District,
Division FourSMALL v. FRITZ COMPANIES
Order filed

On application of the appellant's estate and good cause appearing, the motion to substitute Marietta Small, the Public Administrator for

the Estate of Harvey Greenfield, for Harvey Greenfield is hereby granted.

S112689

GLASSER ON DISCIPLINE

Recommended discipline imposed

It is ordered that **ROBERT EDWARD GLASSER, State Bar No. 47291**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 30 days. **Robert Edward Glasser** is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed November 20, 2002. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-half of said costs shall be added to and become part of the membership fees for the years 2004 and 2005. (Bus. & Prof. Code section 6086.10.)

S112690

HUNTER ON DISCIPLINE

Recommended discipline imposed

It is ordered that **FRED RAYMOND HUNTER, JR., State Bar No. 165381**, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 18 months. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on October 21, 2002, as modified by its order filed December 4, 2002. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination

during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2004, 2005 and 2006.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S112919

SHIM ON DISCIPLINE

Recommended discipline imposed

It is ordered that **JOHN HYONSUB SHIM, State Bar No. 150873**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for one year, as recommended by the Hearing Department of the State Bar Court in its decision filed November 13, 2002; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. **John Hyonsub Shim** is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If **John Hyonsub Shim** is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that **John Hyonsub Shim** take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further

ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S112921**WOODS ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **KATHLEEN ANN WOODS, State Bar No. 157482**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that she be actually suspended from the practice of law for 90 days and until the State Bar Court grants a motion to terminate her actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California, as recommended by the Hearing Department of the State Bar Court in its decision filed on April 3, 2002. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating her actual suspension. If respondent is actually suspended for two years or more, she shall remain actually suspended until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of respondent's actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules

of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S112927

WILLIAMS ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **WALTER PERCY WILLIAMS II, State Bar No. 146569**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S112929

NADIM ON DISCIPLINE

Recommended discipline imposed

It is ordered that **MOHAMMAD REZA NADIM, State Bar No. 129366**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 22, 2002. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business &

Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S112930

MESSER ON DISCIPLINE

Recommended discipline imposed

It is ordered that **SEBASTIAN CHARLES MESSER, State Bar No. 156586**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for one year and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. **Sebastian Charles Messer** is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 21, 2002, as modified by its order filed December 12, 2002. **Sebastian Charles Messer** is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S112940

DIXON ON DISCIPLINE

Recommended discipline imposed

It is ordered that **THOMAS J. DIXON, State Bar No. 146405**, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that he be placed on probation for three years on

condition that he be actually suspended for one year. Respondent is further ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on November 19, 2002. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S112941

AVANESIAN ON DISCIPLINE
Recommended discipline imposed

It is ordered that **KARINEH AVANESSIAN, State Bar No. 130048**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that she be placed on probation for one year on condition that she be actually suspended for 60 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed November 14, 2002. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S112942

WALKER ON DISCIPLINE

Recommended discipline imposed

It is ordered that **CONRAD GEORGE WALKER, State Bar No. 34855**, be suspended from the practice of law for one year and until he makes restitution to Denise Jacobs (or the Client Security Fund, if appropriate) in the amount of \$2,500 plus 10% interest per annum from October 1, 1998, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 60 days and until he makes restitution to Denise Jacobs (or the Client Security Fund, if appropriate) in the amount of \$2,500 plus 10% interest per annum from October 1, 1998, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed November 14, 2002. If respondent is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually suspended for 90 days or more, he is further ordered to comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days respectively, after the date this order is effective.* Costs are awarded to the State Bar

and one-half of said costs shall be added to and become part of the membership fees for the years 2004 and 2005. (Business & Professions Code section 6086.10.) See Business and Professions Code section 6126, subdivision (c).

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S113027

THOMPSON ON DISCIPLINE

Recommended discipline imposed

It is ordered that **JAMES F. THOMPSON, State Bar No. 84309**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for five years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on November 14, 2002. Costs are awarded to the State Bar and one-half of said costs shall be added to and become part of the membership fees for the years 2004 and 2005. (Business & Professions Code section 6086.10.)

S114235

REYNOLDS ON RESIGNATION

Resignation accepted with disciplinary proceeding pending

The voluntary resignation of **DAVID J. REYNOLDS, State Bar No. 64513**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after

the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S114242

BURTNER ON RESIGNATION

The voluntary resignation of **ANN BURTNER, State Bar No. 100426**, as a member of the State Bar of California is accepted.

S114246

PUSEY ON RESIGNATION

The voluntary resignation of **WILLIAM ANDERSON PUSEY, State Bar No. 33950**, as a member of the State Bar of California is accepted.

S114600

HOROWITZ ON RESIGNATION

Resignation accepted with disciplinary proceeding pending

The voluntary resignation of **MELVIN DANIEL HOROWITZ, State Bar No. 97210**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S114602

STURNER ON RESIGNATION

Resignation accepted with disciplinary proceeding pending

The voluntary resignation of **MURRY STURNER, State Bar No. 42395**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he

hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S114608

BLANCO ON RESIGNATION

Resignation accepted with disciplinary proceeding pending

The voluntary resignation of **SALVADOR M. BLANCO, State Bar No. 133512**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

B158551 Second Appellate District,
Division Two

KITTY-ANNE MUSIC CO. et al. v. SWAIN

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Two to Division Six.

B161552 Second Appellate District,
Division Four

RICHARD BUDGERY v. LORILLARD TOBACCO

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Four to Division Six.